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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,457	10/02/2003	Kirk Sawall	D5-047-06-US	8499

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT PAPER NUMBER

3653

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 10/677,457	Applicant(s) SAWALL ET AL.
Examiner Joseph C. Rodriguez	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-61 is/are pending in the application.
4a) Of the above claim(s) 1-5, 32-51 and 57-61 is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 6-31, 55 and 56 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 October 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. 09/936,718.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/3/04; 8/30/04.
- Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- Notice of Informal Patent Application (PTO-152)
- Other: ____.

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DETAILED ACTION

Election/Restrictions

Applicant's election of claim grouping I, claims 6-31 and 55-56 in the reply filed on 9/8/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 3-5, 32-51 and 57-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claim grouping, there being no allowable generic or linking claim. Here, it is noted that Applicant cancelled claims 1 and 2 in the paper of 1/31/05. Applicant is respectfully reminded to use the proper status identifiers and to include a complete and updated claim listing when responding to a restriction requirement.

Applicant's right to reintroduce the subject matter of the withdrawn claims in a subsequent filing has been preserved

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-8, 10-13, 14-16, 18, 21, 23-31 and 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehmann et al. ("Lehmann")(EP 167999 A2).

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Regarding claims 6, 8, 10-12, 14-16 and 24-28, these claims are clearly anticipated by figure 3.

Regarding claims 6, 8, 10-12, 14-16, 24-26 and 29, these claims are clearly anticipated by figure 4.

Regarding claims 30, 31, 55, 56, these claims are anticipated by figure 1, wherein figure 1 is used to show that the various mounting pin embodiments are implicitly connected to screens with a support and sub frame (fig. 1, with screens 2 and support frame ribs 12 wherein sub frame structure is regarded as inherent).

Regarding claims 7 and 13, it is implicit from the substantially similar structures (fig. 3) that the insertion force is as claimed. Further, Applicant is respectfully reminded that claim language consisting of functional language and/or intended use phrasing is given little, if any, patentable weight as the apparatus must merely be capable of functioning, or being used, as claimed. See MPEP 2112.02, 2114. Here, the mounting pin is certainly capable of being bolted to the support frame and of being inserted and removed with the claimed forces.

Regarding claims 18, 21, 23, Lehmann teaches that the mounting pin can be made of the abrasion resistant material plastic (See Partial Translation, p. 1).

Claims 6, 9-10, 12-14, 16, 18, 21, 23, 24-28, 30, 31 and 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Galton et al. ("Galton")(US 5,049,262).

Regarding claims 6, 9-10, 12, 14, 16 and 24-28, Galton teaches a mounting pin structure as claimed (best shown and described as 40 in fig. 3, 4 and col. 9, ln. 4 et seq.

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wherein head can be regarded as portion above support frame and the stem is portion below support frame with undersurface being directly adjacent to support frame 12 and upper surface being head surface from dome extending to undersurface). Here, the upper surface of the head includes a radius transition section, thus a tangential line can be drawn from this radius transition surface that form an angle less than the perpendicular undersurface angle.

Regarding claims 30, 31, 55, 56, these claims are anticipated by figure 1, 5a (fig. 1, with screens 30 and support frame ribs 12 and sub frame 14; fig. 3, 5, or 5a, showing head within adjacent screen elements).

Regarding claim 13, the mounting pin is certainly capable of being bolted to the support frame.

Regarding claims 18, 21, 23, Galton teaches that the mounting pin can be made of the abrasion resistant material plastic (col. 9, ln.4 et seq.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmann in view of what is well known in the art.

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Lehmann as set forth above teaches all that is claimed except for expressly teaching the mounting pin structure made of various materials, such as composite, ceramic and steel. The mere choice of materials, however, is not seen as a basis for patentability. That is, the use of the different materials is well known in the art and can be regarded as a mere design choice that is obvious. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Lehmann as is well known in the art.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

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For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

Signed by Examiner Joseph Rodriguez

Jcr

November 25, 2005

A handwritten signature in black ink, appearing to be 'J. Rodriguez', written over a horizontal line.